

REMARKS

Claim Rejections – 35 USC §101

The Examiner rejects Claims 4-9 under 35 USC §101 because a claim directed to or including within its scope a human being will not be considered to be patentable subject matter under 35 USC 101.

Claims 4-9 have been amended to overcome the Examiner's rejection. Applicant requests withdrawal of the objections to Claims 4-9.

Claim Rejections – 35 USC § 112

The Examiner rejects Claims 3-11, 14-18, and 22-23 under 35 USC § 112, second and fourth paragraphs, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, and failing to further limit the independent claim they depend from, and that neither claim adds an additional step to the claimed method, nor do they further define a previously recited step in the claimed method.

Applicant points out that an error in the claim numbering resulted in a mis-numbering of the claims. Accordingly, Applicant has added missing claim 19 and amended the relevant claims to correct the typographical error and, thus, requests withdrawal of Examiner's rejection of claims 3-11, 14-18, 22, and 23.

Claim Rejections – 35 USC § 102

The Examiner rejects Claims 1-31 under 35 USC 102(b) as being anticipated by Fishbine 5,781,647.

Applicant disagrees. Fishbine specifically teaches that the operator triggers the system when it "is desired to capture gambling chip pile image . . ." *See col. 5 lines 12-15*. Furthermore, Fishbine teaches that the image is captured specifically to determine chip pile count, which is a specific instant of a player's chip "count and chip value" in order to determine dollar value and, thus, a player's transaction history, which is unrelated to playing and repetitive actions of the game. Therefore, the concept of determine chip value in order to determine a dollar amount is not the same as Applicant's invention, which teaches monitoring repetitive actions relating to a game and using the data to count the repetitive

actions" Accordingly, Fishbine does not teach, suggest, or disclose Applicant's invention of monitoring "the repetitive actions" and parsing the data "to count the plurality of repetitive actions . . ." as set forth in Applicant's independent claims 1, 24, and 28. Therefore, Applicant requests withdrawal of Examiner's rejection of independent claims 1, 24, and 28 and full allowance of same.

Claims 2-23, 25-27, and 29-31 depend from and further limit, in a patentable sense, independent claims 1, 24, and 28, respectively, and, thus are also in condition for allowance. Accordingly, Applicant requests withdrawal of all the rejections by Examiner of claims 2-23, 25-27, and 29-31 as set forth in the Office Action as full allowance of same.

DRAWINGS

Applicant has corrected Fig. 1 to include numeral 117 and a lead line to the terminal. Fig. 2a has been amended so that the numeral 202 now identifies the Bet Area, and numeral 204 identifies the Play Area. A replacement drawing sheet is attached.

Conclusion

In view of the foregoing and because all rejections have been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted

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REPLY TO CUSTOMER NO. 274987

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